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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,881	03/19/2004	Katsuhito Nishimura	723-1497	7151

23117 7590 01/26/2007	EXAMINER	
NIXON & VANDERHYE, PC	HU, KANG	
901 NORTH GLEBE ROAD, 11TH FLOOR	ART UNIT	PAPER NUMBER
ARLINGTON, VA 22203	3709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		10/803,881	NISHIMURA, KATSUHITO
		Examiner	Art Unit	
		Kang Hu	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☒ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *3/19/04*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

The current application is claiming foreign priority under 35 U.S.C. 119 based on the Japanese

application 2003-127759. However a certified copy of foreign priority application was not

provided and therefore does not meet the 35 USC 119 (a-d) conditions. The foreign priority date

is not considered until certified copy of foreign priority application is submitted.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   Claims 1, 2, 3 and 6 is rejected under 112 2nd paragraph for the limitation "ratio is

shortened irrespective of whether or not said player character has moved;" The limitation does

not allow one skilled in the art to understand the bounds of the claim when read in light of the

specification, the examiner does not understand how the virtual camera location would move

without the said player character moving. For purpose of the examination, it is assumed that the

applicant meant the ratio between the location of said virtual camera and the target location is

shortened once the player character has stopped moving.

Re claim 1, line 7; claim 6, lines 10; claim 7 line 2 all recite the limitation "the predetermined

number of frames" There are insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizumoto (US 6,409,597 B1).

Claims 1-5 where the claimed languages recite "means for," are interpreted to invoke 35 USC 112 ¶ 6 by meeting the 3-prong analysis.

Re claim 1. Mizumoto discloses a game apparatus in which a virtual camera (col 1, lines 32-40) arranged in a three-dimensional game space (col 6, lines 1- 12) is made to follow a target location determined by a location of a player character in the game space so that a behavior of the player character in the game space is displayed in a displaying means (abstract; col 1, lines 1-17; col 8, lines 6-19) as a game image, comprising: an input-information obtaining means for obtaining input information input through an operating means by a player at intervals of the predetermined number of frames in order to move said player character in said game space (col 1, lines 55-67; col 2, lines 1-15; col 7, lines 10-16 and 21-67); a location updating means for updating the location of said player character and said target location in said game space based on said input information; a virtual-camera-location updating means for updating in order a location of said virtual camera in such a manner that a distance from said target location to a reference location determined in a predetermined manner toward the location of said virtual camera at a predetermined ratio is shortened irrespective of whether or not said player character has moved; and a game-image generating means for generating the game image based on the

updated location of said player character and location of said virtual camera (abstract; col 1, lines 55-67; col 2, lines 1-21; col 3, lines 25-40; col 8, lines 20-65; figures 5-10; col 13, lines 14-27).

Mizumoto further discloses:

Re claim 2: A game apparatus further comprising a virtual-camera setting means for arranging the virtual camera in a location determined in a predetermined manner toward a point of regard, and setting a direction of said virtual camera (col 8, lines 1-20) in such a manner as to face said point of regard (col 8, lines 25-55); wherein said reference location (col 9, lines 1-40) is a location of said point of regard, said virtual-camera-location updating means updates in order the location of said virtual camera by updating in order the location of said point of regard in such a manner that a distance from said target location to the location of said point of regard is shortened at a predetermined ratio irrespective of whether or not said player character has moved (abstract; col 1, lines 55-67; col 2, lines 1-21; col 3, lines 25-40; col 8, lines 20-65; col 13, lines 14-27; figures 5-10).

Re claim 3: A game apparatus further comprising a virtual-camera setting means for arranging the virtual camera in a location determined in a predetermined manner toward a point of regard (col 8, lines 25-55), and setting a direction of said virtual camera in such a manner as to face said point of regard; wherein said reference location is a location of said virtual camera, said target location is an initial location of said virtual camera that moves in conjunction with said player character, said virtual-camera-location updating means updates in order the location of said virtual camera in such a manner that a distance from said target location to the location of said

virtual camera is shortened at a predetermined ratio irrespective of whether or not said player

character has moved (abstract; col 1, lines 55-67; col 2, lines 1-21; col 3, lines 25-40; col 8, lines

20-65; col 13, lines 14-27).

Re claim 4. A game apparatus according to claim 1, further comprising a distance determining

means for setting a maximum distance that uses said target location as a reference, and

determining whether or not the distance from the target location to said reference location is

rendered longer than said maximum distance; and a forcedly updating means for forcedly

updating said reference location to a location within the maximum distance that uses said target

location as a reference when determined by said distance determining means that the distance is

rendered longer than said maximum distance (abstract; col 1, lines 55-67; col 2, lines 1-21; col 3,

lines 25-40; col 8, lines 20-65, Fig 5).

Re claim 5: said camera-location updating means includes a reference-location calculating means

for calculating an updated reference location, and said distance determining means determines

whether or not said updated reference location calculated by said reference-location calculating

means is rendered longer than the maximum distance from said target location (col 7, lines 22-

67; col 8, lines 1-67; col 9, lines 1-37).

Re claim 6. A storing medium that stores a control program of a virtual camera executed by a

computer of a game apparatus (col 2, lines 5-15; col 6, lines 12-15, and 38-52) in which the

virtual camera arranged in a three-dimensional game space (col 6, lines 1-12) is made to follow a

target location determined by a location of a player character in the game space so that a

behavior of the player character in the game space is displayed in a displaying means as a game

image (abstract; col 3, lines 5-20, col 9, lines 40-67; col 10, lines 1-7), the control program of

said virtual camera allows said computer to be functioned as following means of: an input-

information obtaining means for obtaining input information input through an operating means

by a player at intervals of the predetermined number of frames in order to move said player

character in said game space (col 1, lines 62-67; col 2, lines 1-15; col 6, lines 30-39 and 62-67); a

location updating means for updating the location of said player character and said target

location in said game space based on said input information; a virtual-camera-location updating

means for updating in order a location of said virtual camera in such a manner that a distance

from said target location to a reference location determined in a predetermined manner toward

the location of said virtual camera at a predetermined ratio is shortened irrespective of whether

or not said player character has moved; and a game-image generating means for generating the

game image based on the updated location of said player character and location of said virtual

camera (abstract; col 1, lines 55-67; col 2, lines 1-21; col 3, lines 25-40; col 8, lines 20-65; col

13, lines 14-27).

Re claim 7. A method of a virtual camera in a game apparatus in which the virtual camera

arranged in a three-dimensional game space (col 6, lines 1-12) is made to follow a target location

determined by a location of a player character in the game space so that a behavior of the player

character in the game space is displayed in a displaying means as a game image (col 9, lines 40-

67; col 10, lines 1-7) comprising following steps of:

(a) obtaining input information input through an operating means by a player at intervals of the predetermined number of frames in order to move said player character in said game space (col 6, lines 30-39 and 62-67),

(b) updating the location of said player character and said target location in said game space based on said input information (col 6, lines 30-39 and 62-67),

(c) updating in order a location of said virtual camera in such a manner that a distance from said target location to a reference location determined in a predetermined manner toward the location of said virtual camera at a predetermined ratio is shortened irrespective of whether or not said player character has moved (col 13, lines 14-27), and

(d) generating the game image based on the updated location of said player character and location of said virtual camera (col 8, lines 6-19; col 9, lines 40-67; col 10, lines 62-67).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kunieda teaches a program execution apparatus moving the fixation point in a virtual space causing a high level of reality and improved level of entertainment. Hayashida teaches of a game machine and a virtual camera in a game space in response to an operation of a controller by a player. Tashiro teaches a display image seen from a suitable camera viewpoint comprises of a

viewpoint determination section that finds a position of the camera viewpoint appropriate to a

control operation. Hirai teaches a program for replaying a player character is a game space.

Katsuto teaches a game device that creates a game image based on an image photographed by the

virtual camera disposed in a game space with a player character.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The

examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jong-Suk(James) Lee can be reached on 571-272-7044. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
January 17, 2007

KIM NGUYEN
PRIMARY EXAMINER